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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs
BCD SEMICONDUCTOR CORPORATION,
and SHANGHAI SIM-BCD SEMICONDUCTOR
MANUFACTURING, CO., LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEJ

BCD SEMICONDUCTOR CORPORATION and)
SHANGHAI SIM-BCD SEMICONDUCTOR)
MANUFACTURING, CO., LTD.)

Plaintiffs,

v.

POWER INTEGRATIONS, INC.

Defendant.

CASE NO.

COMPLAINT FOR DECLARATORY
JUDGMENT

1 Plaintiffs BCD Semiconductor Corporation and Shanghai SIM-BCD Semiconductor
2 Manufacturing Co., Ltd. (collectively, "Plaintiffs") allege as follows for its Complaint for
3 Declaratory Judgment against Defendant Power Integrations, Inc. ("Power Integrations"):

4 **Parties**

5 1. Plaintiff Shanghai SIM-BCD Semiconductor Manufacturing Co., Ltd. ("SIM-BCD")
6 is organized under the laws of the People's Republic of China, with a place of business at 800
7 Yishan Road, Shanghai, China.

8 2. Plaintiff BCD Semiconductor Corporation ("BCD California") is a California
9 corporation with an office at 30920 Huntswood Avenue, Suite D, Hayward, California 94544.

10 3. Upon information and belief, Defendant Power Integrations is a Delaware corporation
11 with a regular and established place of business at 5245 Hellyer Avenue, San Jose, California 95138.

12 **Jurisdiction and Venue**

13 4. Plaintiffs bring this civil action under the Patent Laws, Title 35 of the United States
14 Code, and under 28 U.S.C. § 2201 to obtain a declaration of noninfringement and/or invalidity with
15 respect to Power Integrations' U.S. Patent Nos. 6,107,851, 6,249,876 and 5,313,381 (collectively,
16 "the patents-in-suit"). Since this action arises under the Patent Laws of the United States, this Court
17 has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18 5. Power Integrations is subject to personal jurisdiction in this forum.

19 6. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), 1391(c) and
20 1400(b).

Background

7. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 6 and incorporate them by reference.

8. Power Integrations claims to be the owner by assignment of each of the patents-in-suit.

9. On June 14, 2007, Power Integrations filed suit against Plaintiffs in the U.S. District Court for the Northern District of California for infringement of the patents-in-suit (*Power Integrations, Inc. v. BCD Semiconductor Corp. and Shanghai SIM-BCD Semiconductor Manufacturing, Co., Ltd.*, Civil Action No. 07-cv-03137-WHA ("California Complaint")). The parties exchanged Initial Disclosures and filed a Joint Stipulated Rule 26(f)/Case Management Statement and Proposed Order. However, before an answer from Plaintiffs was due, Power Integrations dismissed its lawsuit in California on October 15, 2007, and, on the same day, filed a Complaint for infringement of the same patents against Plaintiffs in the U.S. District Court for the District of Delaware (*Power Integrations, Inc. v. BCD Semiconductor Corp. and Shanghai SIM-BCD Semiconductor Manufacturing, Co., Ltd.*, Civil Action No. 07-cv-00633-JJF ("Delaware Complaint")).

10. In both the California Complaint and Delaware Complaint, Power Integrations alleged that Plaintiffs have been and are now infringing, inducing infringement, and contributing to the infringement of the patents-in-suit by making, using, selling, offering to sell, and/or importing devices, including pulse width modulation ("PWM") controller integrated circuit ("IC") devices, covered by one or more claims of the patents-in-suit.

11. SIM-BCD incorporates product development, circuit design, R&D, and manufacturing capabilities to offer a wide range of innovative power management IC solutions, including the accused IC devices. BCD California provides regional sales services for the IC solutions in North America.

12. There is an actual and substantial controversy between Plaintiffs and Power Integrations as to the infringement of the patents identified in this Complaint because Power

Integrations has brought patent infringement suits against Plaintiffs in California and Delaware and expressly alleged that Plaintiffs' activities are infringing.

**First Count: Declaratory Judgment of
Noninfringement and Invalidity of U.S. Patent No. 6,107,851**

13. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 12 and incorporate them by reference.

14. Upon information and belief, Power Integrations is the owner by assignment of U.S. Patent No. 6,107,851, entitled "Offline Converter with Integrated Softstart and Frequency Jitter."

15. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily, or otherwise, any of the claims of U.S. Patent No. 6,107,851.

16. U.S. Patent No. 6,107,851 is invalid under one or more provisions of 35 U.S.C. §§ 102, 103, and/or 112.

**Second Count: Declaratory Judgment of
Noninfringement and Invalidity of U.S. Patent No. 6,249,876**

17. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 12 and incorporate them by reference.

18. On information and belief, Power Integrations is the owner by assignment of U.S. Patent No. 6,249,876, entitled "Frequency Jittering Control for Varying the Switching Frequency of a Power Supply."

19. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily, or otherwise, any of the claims of U.S. Patent No. 6,249,876.

20. U.S. Patent No. 6,249,876 is invalid under one or more provisions of 35 U.S.C. §§ 102, 103, and/or 112.

**Third Count: Declaratory Judgment of
Noninfringement and Invalidity of U.S. Patent No. 5,313,381**

21. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 12 and incorporate them by reference.

22. On information and belief, Power Integrations is the owner by assignment of U.S. Patent No. 5,313,381, entitled "Three-Terminal Switched Mode Power Supply Integrated Circuit."

23. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily, or otherwise, any of the claims of U.S. Patent No. 5,313,381.

24. Plaintiffs cannot be liable for infringement of U.S. Patent No. 5,313,381 because the claims are invalid under one or more provisions of 35 U.S.C. §§ 102, 103, and/or 112.

Prayers for Relief

WHEREFORE, Plaintiffs pray that this Court:

A. declare that Plaintiffs have not infringed and are not infringing any of the claims of U.S. Patent Nos. 6,107,851, 6,249,876, and 5,313,381;

B. declare that the claims of U.S. Patent Nos. 6,107,851, 6,249,876, and 5,313,381 are invalid;

C. declare this case exceptional under 35 U.S.C. § 285 and award Plaintiffs its costs, disbursements, and attorney fees in connection with this action; and

D. award Plaintiffs such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs request a trial by jury on all matters appropriately tried to a jury.

1 Dated: January 18, 2008

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP

2
3 By: Erik Puknys / RSM
Erik R. Puknys (CAB #190926)

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7 Attorneys for Plaintiff
8 BCD SEMICONDUCTOR CORPORATION, and
9 SHANGHAI SIM-BCD SEMICONDUCTOR
MANUFACTURING CO. LTD.

1 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

2 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, and to the best of
3 his knowledge, there is no such interest to report.

4
5 Dated: January 18, 2008

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP

6
7 By:  Erik Puknys (CAB #190926)

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11 Attorneys for Plaintiffs
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14 MANUFACTURING CO. LTD.
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JS 44 (Rev. 12/07) (and rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS
BCD SEMICONDUCTOR CORPORATION and SHANGHAI SIM-BCD SEMICONDUCTOR MANUFACTURING, CO., LTD.

(b) County of Residence of First Listed Plaintiff Alameda County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Erik R. Puknys
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Stanford Research Park, 3300 Hillview Avenue
Palo Alto, CA 94304-1203 Tel: 650-849-6600

DEFENDANTS
POWER INTEGRATIONS, INC.

County of Residence of First Listed Defendant Santa Clara County (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<div>PERSONAL INJURY</div> <div><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury</div> <div>CIVIL RIGHTS</div> <div><input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights</div>	<div>PERSONAL INJURY</div> <div><input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</div> <div>PRISONER PETITIONS</div> <div><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition</div>	<div><input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other</div> <div>LABOR</div> <div><input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</div> <div>IMMIGRATION</div> <div><input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions</div>	<div><input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</div> <div>PROPERTY RIGHTS</div> <div><input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark</div> <div>SOCIAL SECURITY</div> <div><input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</div> <div>FEDERAL TAX SUITS</div> <div><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</div>	<div><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</div>
REAL PROPERTY					
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

Transferred from

☐ 5 another district (specify)

☐ 6 Multidistrict Litigation

Appeal to District

☐ 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Patent Laws, Title 35; 28 U.S.C. Sec. 2201

Brief description of cause:
Declaratory Judgment for noninfringement or invalidity

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE
January 18, 2008

SIGNATURE OF ATTORNEY OF RECORD


INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.